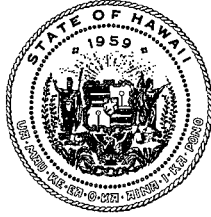
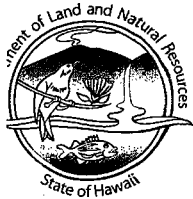


DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

AHA MOKU ADVISORY COMMITTEE

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

December 29, 2014

DEPT. COMM. NO. 34

President Donna Mercado Kim  
Hawaii State Legislature  
415 South Beretania Street  
Room 409  
Honolulu, HI 96813

Aloha President Kim,

On behalf of the Aha Moku Advisory Committee (AMAC), we would like to respectfully submit the 2015 Legislative Report on the 2014 Activities and Status of the Aha Moku as mandated by Act 288, HRS Legislative Session 2012.

The Aha Moku Advisory Committee is comprised of the following representatives:

- Piilani Kaawaloa, Moku O Keawe (Island of Hawai'i)
- Kyle Nakanelua, Moku O Pi'ilani (Island of Maui)
- Leslie Kuloloio, Moku O Kanaloa (Island of Kaho'olawe)
- Winifred Basques, Nana'I Kaula (Island of Lana'i)
- Karen Poepoe, Moloka'i Pule O'o (Island of Moloka'i)
- Leialoha "Rocky" Kaluhiwa, Moku O Kakuhihewa (Island of O'ahu)
- Thomas Hashimoto, Manokalanipo (Island of Kaua'i)
- Keith Robinson, Ka Aina O Kawelonakala (Island of Ni'ihau)

The directive of the Aha Moku is that they may advise the Chairman of the Board of Land and Natural Resources on issues related to land and natural resources management through the Aha Moku System – a system of best practices that is based upon the indigenous resource management practices of moku (regional) and ahupua'a (land districts based on geography) boundaries, which acknowledges the natural contours of land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community.

The Aha Moku System fosters understanding and practical use of knowledge, including Native Hawaiian methodology and expertise, to assure responsible stewardship of Hawaii's precious ecosystem and natural environment. In their concern for the health and welfare of our cultural and natural resources which showed serious decline in the past decades, the Legislature created the opportunity for the general public, including Native Hawaiians, to bring forth their generational resource knowledge of site-specific areas. This collaboration with our legislators and the Hawaii State Department of Land and Natural Resources has proven to be fruitful and successful. Thank you for the opportunity to share our collective knowledge and methodology, to fulfill your mandates for resource protection, but most of all to serve all people of Hawaii Nei.

Respectfully yours,

A handwritten signature in black ink, reading "Leslie Kuloloio".

Leslie Kuloloio, Chairman, AMAC

A handwritten signature in black ink, reading "Leimana DaMate".

Leimana DaMate, Executive Director, AMAC

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STATE OF HAWAII

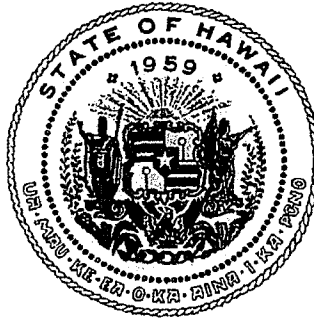
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*Ka Palapala Ho'ike no ka 'Aha 'Ōlelo Kau Kānāwai  
Kau Mau o ka Makahiki 2015*

Report to the Twenty-Eighth Legislature  
Regular Session of 2015

*Ka Palapala Hō'ike o ka Hana a me ka Ho'olālā 'Ana  
o ke Komike Kauleo 'Aha Moku*

**REPORT ON THE ACTIVITIES AND PLANS OF THE AHA MOKU ADVISORY  
COMMITTEE**



*Ho'omākaukau 'ia e ka 'Oihana Kūmūwaiwai 'Aina  
Ka Moku'āina o Hawai'i*

Prepared by the  
Department of Land and Natural Resources  
State of Hawaii

*E pili ana i ka  
Mahele 171-4.5, Hawaii Revised Statutes*  
In response to  
Section 171-4.5, Hawaii Revised Statutes

*Okakopa 2014  
October 2014*

# **REPORT ON THE ACTIVITIES AND PLANS OF THE AHA MOKU ADVISORY COMMITTEE**

This report is prepared pursuant to Section 171-4.5, Hawaii Revised Statutes (HRS), and covers the period January 2014 through December 30, 2014.

## **INTRODUCTION**

The Department of Land and Natural Resources (DLNR), Chairperson's Office houses the "Aha Moku Advisory Committee", Act 288 Session Laws of Hawaii 2012. This Act governs the Aha Moku System and their mandate to report to the Legislature and the Chairperson of the Board of Land and Natural Resources (BLNR) on the recommendations made by the Aha Moku Advisory Committee, their activities and resulting actions taken by DLNR.

The Senate Bill 3053, House Draft 2 (relating to Native Hawaiians) was signed into law as Act 288 on July 9, 2012. The purpose of the Act is to formally recognize the Aha Moku System and to establish the Aha Moku Advisory Committee (AMAC) within DLNR and may serve in an advisory capacity to the Chairperson of the BLNR. The AMAC may advise on issues related to land and natural resources management through the Aha Moku System, a system of best practices based upon the indigenous resource management practices of moku boundaries, which acknowledges the natural contours of land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community.

Pursuant to Section 171-4.5, HRS, the AMAC shall submit an annual report to the Legislature and the Chairperson of the BLNR. The report includes:

- I. Purpose of the AMAC
- II. Objectives, Goals and Estimated Time Frames
- III. Recommendations to the Board of Land and Natural Resources

### **I. Purpose of the AMAC**

The purpose of the AMAC is to incorporate, appropriate Native Hawaiian knowledge and protocols for the preservation, cultivation, and management of all native Hawaiian natural and cultural resources for the future generations; and, to further define the Aha Moku System, a system of best practices that is based upon the indigenous resource management practices of moku and ahupua'a (regional) boundaries.

### **II. Objectives, Goals and Estimated Time Frame.**

**Objective A:** To integrate indigenous resource management practices with western management practices in each moku.

#### Goals and Estimated Time Frame:

- A.1. Revitalize traditions by sharing important and known practices that are site specific so awareness of traditional resource management is shared including methods, traditions, practices, and important traditional gathering areas. (ongoing)
- A.2. Develop and organize traditional Ahupua'a Councils. (ongoing)
- A.3. Pursue additional grant and non-traditional grant sources. (ongoing)

**Objective B:** Identify a comprehensive set of indigenous practices for natural resource management

Goals and Estimated Time Frame:

- B.1. Unify Traditional Moku Statewide by defining standards at a statewide level that demonstrates a unified and organized approach (ongoing)

**Objective C:** To foster understanding and practical use of Native Hawaiian resource knowledge, methodology and expertise.

Goals and Estimated Time Frame:

- C.1. Publicize successes and work with establishments (implementation started and ongoing)
- C.2. Partner with other agencies and entities interested in the preservation and conservation of Hawaii's ecosystem (ongoing)

**Objective D:** To sustain state's marine, land, cultural, agricultural, natural resources.

Goals and Estimated Time Frame:

- D.1. Unify Process for Reporting (implemented)
- D.2. Support hiring of additional staff, as appropriate, through the budgetary process, to provide additional resources for administrative support. (ongoing)
- D.3. Develop a stronger rapport with the DLNR Divisions to share Native Hawaiian expertise on natural and cultural resources (implemented and ongoing)

**Objective E:** To provide community education; foster cultural awareness on benefits of the Aha Moku System.

Goals and Estimated Time Frame:

- E.1. Educate the next generation, general community, community groups on the merits of the Aha Moku System (ongoing)
- E.2. Work with education organizations so they are familiar with the site-specific care of natural and cultural resources (ongoing)
- E.3. Begin work with schools to offer curriculum that include site-specific resource knowledge – tie this in with DLNR divisions (begin in 2015)
- E.4. Develop strong media tools such as video and printed matter spot lighting Native Hawaiian resource methodology experts who live the Aha Moku system (ongoing)

**Objective F:** To foster protection and conservation of the State's natural resources

Goals and Estimated Time Frame:

- F.1. Utilize multi-media presentations for briefing members of the Legislature, community groups, user groups, and other interested parties. (ongoing)
- F.2. Update interactive web pages on the Internet for access by interested parties. (ongoing)
- F.3. Promote and improve community education on understanding conservation through traditional resource methodology which is island specific and site specific (ongoing)

- F.4. Develop plan to actively market what traditional resource practices in partnership with current DLNR resource management does for users, the State, and the environment while conveying a vision of what ought to be. (begin in 2015)
- F.5. Establish and reinforce partnerships with local and national conservation organizations to utilize existing resources and unify efforts in public education campaigns. (ongoing)
- F.6. Pursue development of a public outreach campaign designed to inform Hawaii residents and visitors about the importance of being knowledgeable about Hawaii state resources and its protection. Work with DLNR divisions in this development (ongoing)
- F.7. Develop financial resources to cover the cost of site specific (ahupua'a) planning and oversight. (ongoing)

**Objective G:** To develop an administrative structure that oversees the Aha Moku System.

Goals and Estimated Time Frame:

- G.1. Create a strategic plan that implements a successful community conservation effort with integration of traditional Hawaiian resource management and best practices into the contemporary state framework of management. (completed)
- G.2. Create a communications process between communities and administration that ensures site-specific resource concerns are effectively addressed by AMAC and DLNR. (Ongoing)
- G.3. Organize moku and ahupua'a aha (groups) that encompass district area communities with Native Hawaiian practitioners from that district who have generational knowledge of those resources. (Ongoing)
- G.4. Develop a 3 and 5-year budget that encompasses the needs of the AMAC and individual islands to ensure success in its mandates and permanence within the state system.
- G.5. Organize an annual State Puwalu (Conference) that is open to the public. (Not begun yet due to budget restraints)

### **III. RECOMMENDATIONS TO THE BLNR:**

As mandated in Act 288, the Report to the Legislature shall include a list of all recommendations made by the committee and the resulting action taken by the department over the course of the prior year (2014-2015).

Natural resource issues and concerns from the ahupua'a and moku of the islands were conveyed to the AMAC and addressed. However, true to the intent of the Act, these issues were shared with DLNR and many were resolved between the department and the communities without the need to bring it before the BLNR. To date, there are still issues that are in progress. These issues are on-going and are listed as an attachment to this report.

Following are a list of submittals to the BLNR and the recommendations rendered by the AMAC. The testimonies of the AMAC are attached as Appendix A.

Submitted Request to BLNR by the University of Hawaii- Manoa: Consent to Sublease under General Lease No. S-4191 to the University of Hawaii, Lessee, to TMT International Observatory LLC, Sublessee, Kaohe, Hamakua, Island of Hawaii, Tax Map Key: 3<sup>rd</sup>/4-4-15:09 por.

BLNR Decision: The request was deferred on June 17, 2014 to allow the University of Hawaii time to address certain questions raised during the public testimony portion of the Land Board meeting.

AMAC Recommendation of Opposition – That the BLNR wait to approve until the final ruling regarding the CDUP HA-3568 has been decreed in the Appeal Process in the Hawaii State Intermediate Court of Appeals and the Hawaii State Supreme Court; until Section 106 and the consultation process with Native Hawaiians regarding the TMT project has been completed as required by federal law and as outlined in the National Historic Preservation Act; and until all concerns presented in the November 2013 meeting have been addressed.

Submitted Request to BLNR for Mutual Termination, Grove Farm Fish & Poi, LLC, Lessee, General Lease No. 5654, off Ewa Coast, Ewa, O'ahu, TMK: (1)9-1-005:000 seaward.

BLNR Decision: The Request was unanimously approved as submitted. Much discussion centered around this issue and the decision to grant was based on the departments analysis of coral growing on the concrete blocks left behind which now provide a habitat for fish and coral.

AMAC Recommendation of Opposition – This General Lease, under Grove Farm Fish & Poi (GFFP) centered around fish cages off of the Ewa coast of O'ahu. In 2010, GFFP declared bankruptcy and liquidated all of their assets. After paying all debts, they were not able to remove the four concrete ballast weights that now sit on the ocean floor. The AMAC opposition was based on the fear that a precedence of entities leaving their equipment behind on the ocean floor when their activity was over would be a dangerous one.

Submitted Request for BLNR to Grant a Term, Non-exclusive Easement to Lana'i Resorts, LLC dba Pulama Lana'i for Tide Pool Stairs Encroachment Purposes, Pulawai, Lana'i, Seaward of Tax Map Key: (2) 4-9-017:002.

BLNR Decision: Approved as submitted.

AMAC Recommendation of Support – The Tide Pool Stairs area, more commonly known as the “Keiki Pond” is located on the lava shelf of the eastern cliffs of Hulopo'e and has been consistently used by the people of Lana'i since 1951. In recent times, the original steps became a safety hazard for the community. The “Pipi Chute” was built in 1919-1920 and used to load/unload interisland steamers-livestock, supplies and passengers. This chute is part of the area containing the Keiki Pond. Both are considered historic sites by the people of Lana'i and access to both are through the Tide Pool Stairs. AMAC supports Pulama Lana'i in their efforts to stabilize the Tide Pool Stairs as well as commending the BLNR in granting the easement that would make the stabilization possible.

Submitted Request that the Conservation District Use Application (CDUA) ST-3703 for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands be granted.

BLNR Decision: Unanimously approved as submitted.

AMAC recommendation of Support – Ho’ala Loko Ia, the name of the Statewide Programmatic General Permit and Agreement of this CDUA Application will provide cultural practitioners with a single application and permit. It will enable Native Hawaiians who have generational knowledge of loko ia in their specific ahupua’a and moku to restore and maintain important fishponds that can benefit their ‘ohana and communities. It also allows the traditional Native Hawaiian knowledge, methodology and cultural attachment to a fishpond to be perpetuated and shared – an important part of the sustainability of a Hawaiian ecosystem.

**Attachments:**

AMAC Submittals to the Board of Land and Natural Resources

List of on-going issues currently being addressed by communities and DLNR Divisions

Act 288, HRS, Hawaii State Legislature 2012, “The Aha Moku Act”



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GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
AHA MOKU ADVISORY COMMITTEE**

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HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

Jesse Souki  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES BOATING AND  
OCEAN RECREATION BUREAU OF  
CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

May23, 2014

**TESTIMONY IN SUPPORT FOR AGENDA ITEM J-1**

**Before the Board of Land and Natural Resources**

**BLNR Agenda Item J-1**

Authorize Consent to Mortgage and Amendment of Boating Lease No. B-93-02, Trilogy Corporation for Extension of Lease Term, Manele Small Boat Harbor, Lana'i, Tax Map Key: (2) 4-9-017-006-0002.

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee, Po'o Winifred Basques, Nana'i Kaula (Lana'i) we offer testimony in support of the Division of Boating and Ocean Recreation (DOBOR) submittal, Agenda Item J-1, which is a request for authorization for a Consent to Mortgage and to extend an existing lease to the Trilogy Corporation for commercial maintenance and the operation of a pavilion and appurtenant marine facilities. We recommend that this submittal be approved by the Land Board.

As you are aware, the Aha Moku Advisory Committee, through Act 288 may advise the BLNR on issues that deal with the natural and cultural resources of the site-specific 'aina and kai. In this case, ahupua'a and moku resource practitioners of Lana'i are in support of the Trilogy request. There is no adverse impact to the cultural areas, either on land or in the ocean where the improvements are proposed. We agree with the Department DOBOR staff in their analysis that the proposed plan, renovations and improvements will better serve the community of Lana'i as well as visitors who arrive by sea.

We also believe that while an Environment Assessment, including a Cultural Impact Statement is normally required in projects like this, it would not be necessary because this is an extension on an existing lease.

sites pertaining to natural resources on Nana'i Kaula. Indeed, Jim Coon is perceived to be part of the local community.

On behalf of the Aha Moku, we urge the Board of Land and Natural Resources to authorize the Consent to Mortgage and the Amendment of the Boating Lease No. B-93-02, Trilogy Corporation for Extension of Lease Term, Manele Small Boat Harbor, Lana'i, TMK. (2)4-9-017-006-0002.

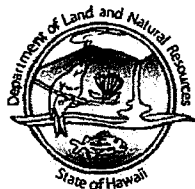
Respectfully yours,

Leimana DaMate, Executive Director

Aha Moku Advisory Committee, DLNR Phone: 808-587-1498

Email: [LeimanaK.DaMate@hawaii.gov](mailto:LeimanaK.DaMate@hawaii.gov)

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
AHA MOKU ADVISORY COMMITTEE**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 12, 2014

**TESTIMONY IN OPPOSITION TO AGENDA ITEM D-8**

Before the Board of Land and Natural Resources

**BLNR Agenda Item D-8**

**Consent to Sublease under General Lease No. S-4191 to the University of Hawaii, Lessee, to TMT International Observatory LLC, Sub lessee, Ka'ohe, Hamakua, Island of Hawaii, Tax Map Key: (3) 4-4-015: 009 por.**

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee Po'o Piilani Kaawaloa, Moku O Keawe (Island of Hawaii), and its Moku of Hamakua, Kohala, Hilo, Puna, Ka'u and Kona, we offer testimony in strong opposition to the Land Division submittal, Agenda Item D-8, which is a request to sublease under General Lease No. S-4191 to the University of Hawaii, Lessee, to TMT International Observatory LLC, Sub lessee, Ka'ohe, Hamakua, Island of Hawaii, TMK: (3) 4-4-015: 009 Por.

As you are aware, the issue of the use of Mauna Kea, the most sacred wahi pana throughout the islands has been of great concern to native Hawaiians ever since the Mauna Kea Science Reserve was created. This concern has not been alleviated in the years that the UH has had the lease. There are many grounds why the Hawaiian community does not support the lease that UH is requesting, nor the most recent request for a sublease to TMT International Observatory LLC. Among those reasons are:

- ❖ Concerns stated in our November 8, 2013 testimony before the BLNR Board included our continuing fears that 1) there are still no protections generated by the UH to protect against invasive species; 2) there are no burial plans for the native Hawaiian 'iwi found on the mountain; and 3) there has never been a plan to decommission existing telescopes when their use is over.
- ❖ The final decision on whether or not the BLNR is going to approve the UH request, made this past November, 2013, to re-lease Mauna Kea for gratis has not been made. At that meeting, the request was deferred until certain conditions were met. Have those conditions been met?

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA  
FIRST DEPUTY

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LAND  
STATE PARKS

- ❖ We had asked that the existing General Lease No. S-4191 and General Lease No. S-5529 to the UH for the Mauna Kea Science Reserve, and for the Hale Pohaku Mid-Level Facilities be amended by inserting a clause that says the UH must pay fair market rent for the use of public lands.

Again, the Aha Moku has been receiving many calls and requests that their concerns be heard by the BLNR. Many are sending their own testimonies in reiterating the very concerns that we are expressing. We ask that the Board of Land and Natural Resources re-examine this issue carefully and listen to the concerns of the very people they are mandated to serve in their capacity as Board members by initiating the following:

1. Wait until the final ruling regarding the CDUP HA-3568 has been decreed in the Appeal Process in the Hawaii State Intermediate Court of Appeals and the Hawaii State Supreme Court.
2. Wait until the Section 106 and consultation process with Native Hawaiians regarding the TMT project has been completed as required by federal law and as outlined in the National Historic Preservation Act.
3. Wait until all of the concerns as presented in the November 2013 BLNR meeting have been addressed.

Thank you for the opportunity to render our testimony and recommendation on this issue. Per the request of Moku O Keawe, its Moku and Ahupua'a communities, we urge the BLNR to deny the application of the UH to sublease a portion of land under the General Lease No. S-4191.

Respectfully yours,

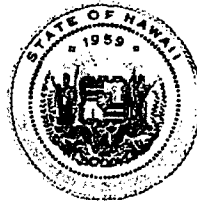
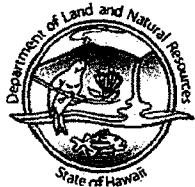
Leimana DaMate, Executive Director

Aha Moku Advisory Committee, DLNR

Phone: 808-587-1498

Email: [Leimana.K.DaMate@hawaii.gov](mailto:Leimana.K.DaMate@hawaii.gov)

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June 13, 2014

**TESTIMONY IN SUPPORT OF AGENDA ITEM D-10**

Before the Board of Land and Natural Resources

**BLNR Agenda Item D-10.**

**Grant of Term, Non-Exclusive Easement to Lana'I Resorts, LLC dba Pulama Lana'i for Tide Pool Stair Encroachment Purposes, Pulawai, Lana'i, Seaward of Tax Map Key: (2) 4-9-017:002.**

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee Po'o Winifred Basques, Nana'i Kaula (Island of Lana'i), and the local community of the Moku Pulawai, we offer testimony in support of the Land Division submittal, Agenda Item D-10 requesting a grant of term, non – exclusive easement to Lana'I Resorts, LLC; dba Pulama Lana'I for Tide Pool Stairs Encroachment Purposes. The comments below were given by Kepa Maly, moku representative of Lana'i.

"More commonly known as the "Keiki Pond" located on the lava shelf on eastern cliffs of Hulopo'e, the popular pond was created by dynamite blasted tidal pools in Hulopo'e Bay and built by HAPCo employees during the pineapple strike in 1951. The original steps became a safety hazard and the improved steps installed to maintain what would be a customary access."

"The "Pipi Chute" was built in ca. 1919-1920, and used to load/unload interisland steamers – livestock supplies and passengers. The attached photograph from the Munro collection/Kenneth Emory album is from 1921. The S.S. Mikahala is pulled to the bluff, and the chute led down onto the steamer deck. One of the two historic cement stanchions that held up the chute is visible. The wooden chute was still extant through the 1970's when I was growing up. It is historical features also associated with cement salt-making basins just a little to the north of the chute and wing fence that kept cattle in line for loading." (Kepa Maly, June 2014)

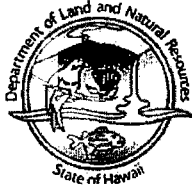
The Keiki Pond and Pipi Chute are considered historic sites by the people of Lana'i. We thank you for the opportunity to testify and ask that you protect this area that is so loved by the people of Lana'i. We support the Grant of Term, Non-Exclusive Easement to Lana'I Resorts, LLC dba Pulama Lana'I for the Tide Pool Stair Encroachment Purposes.

Respectfully yours,

Leimana DaMate, Executive Director

Aha Moku Advisory Committee

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
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KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 13, 2014

**TESTIMONY IN SUPPORT OF AGENDA ITEM K-3**

Before the Board of Land and Natural Resources

BLNR Agenda Item K-3

**Conservation District Use Application (CDUA) ST-3703 for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands (OCCL).**

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee (AMAC) comprised of the Po'o of the eight main Hawaiian Islands and the forty-three (43) traditional moku districts encompassed within the Pae'aina, we offer testimony in strong support of the Office of Conservation and Coastal Lands (OCCL) submittal, Agenda Item K-3 requesting approval for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i by the Department of Land and Natural Resources.

Prior to the arrival of guests from other lands, the Native Hawaiian population thrived upon the sustainability of their resources. Much of this depended on and centered on the loko 'iā, fishponds that served needs of the community. Every ahupua'a on every island maintained, protected and sustained a fishpond for community subsistence needs. At one time, there were so many fishponds throughout the islands that they were a common sight and contributed to a healthy environment in which a vigorous Native Hawaiian people thrived. However, over the past two hundred years with the arrival of many western influences over the cultural and natural landscapes of the coastal areas, the maintenance of traditional fishponds became problematic. At last listing, over 40 fishponds were listed. However, only two of them were able to be permitted due to the difficulty in the necessary completion of numerous permits that are difficult to read or understand with agencies that had overlapping jurisdictions.

Ho'ala Loko I'a is a proposed Statewide Programmatic General Permit for the repair, restoration, maintenance and operation of traditional fishpond systems in Hawai'i. In providing cultural practitioners with single application and permit, The DLNR- OCCL will enable Native Hawaiians who have generational knowledge of loko I'a in their specific ahupua'a and moku to restore and maintain important fishponds that can benefit their 'ohana and communities. It also allows the traditional Native Hawaiian knowledge, methodology and cultural attachment to a fishpond to be perpetuated and shared - an important part of the sustainability of the Hawaiian ecosystem.

BLNR Meeting, June 27, 2014

AMAC Testimony, Page Two

Representatives of our many moku throughout the islands attended the state-wide public hearings on the proposed permit and agreement for the fishponds last February, 2014. The many questions and concerns were answered honestly and candidly. Our people are convinced that this is an important step in the continuing effort to work with the state in sustaining our culture and our natural resources.

Thank you for the opportunity to render our testimony and recommendation on this issue. We urge the BLNR to approve the submittal of a CDUA ST-3703 for a Statewide Programmatic General Permit for the repair, restoration, maintenance and operation of traditional fishpond systems in Hawaii.

Respectfully yours,

Leimana DaMate, Executive Director

Aha Moku Advisory Committee

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GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
AHA MOKU ADVISORY COMMITTEE

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WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA  
FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

October 24, 2014

**TESTIMONY IN SUPPORT OF AGENDA ITEM F-1**

Before the Board of Land and Natural Resources

BLNR Agenda Item F-1.

**REQUEST FOR FINAL APPROVAL TO ADOPT A NEW CHAPTER UNDER HAWAII ADMINISTRATIVE RULES AS TITLE 13 CHAPTER 60.8, HA'ENA COMMUNITY-BASED SUBSISTENCE FISHING AREA, KAUA'I, TO MANAGE AND PROTECT FISH STOCKS AND TO REAFFIRM TRADITIONAL AND CUSTOMARY NATIVE HAWAIIAN SUBSISTENCE FISHING PRACTICES WITHIN THE AHUPUA'A OF HA'ENA.**

Aloha Chair Aila and Members of the Board of Land and Natural Resources,

My name is Thomas Hashimoto, and I am the Aha Moku Advisory Committee Representative of Manokalanipo, the Island of Kaua'i. I am also the Moku Representative of Halele'a, the Moku on which Ha'ena is located. On behalf of my island, the natural resource and cultural participants in the Aha Moku System, we strongly support the adoption of a New Chapter under the Hawai'i Administrative Rules relating to the establishment of the Ha'ena Community-Based Subsistence Fishing Area.

Before people came to Hawai'i from other lands, Native Hawaiians thrived and sustained their oceans and lands – our survival depended on how well we took care of our resources. We depended on the ocean to feed us so we took care of our oceans, our fishing stock, our limu, our coral and the fresh water needed so our spawning grounds in the ocean were healthy.

However, over the past two hundred years with the arrival of many western influences over the cultural and natural landscapes of the coastal areas, taking care of our resources became harder. Kaua'i became a major tourist attraction and commercial fishing interests began competing for the use of the ocean areas that our Ha'ena 'ohana depended upon for subsistence. And, while Kaua'i people are well-known for their hospitality, we have become unwitting casualties of too many people trying to use every inch of Ha'ena for different purposes. We welcome visitors, but we need to feed our families. Most of all, we need to sustain Ha'ena.

The Ha'ena CBSFA allows the people of Ha'ena to protect their subsistence fishing area. It allows others to learn how sustainability is the result of careful Native Hawaiian practices within a specific area. It gives cultural practitioners and lawai'a that have generational knowledge of Ha'ena the opportunity to restore and maintain important marine areas that can benefit their 'ohana and communities. It also allows the traditional Native Hawaiian knowledge, methodology and cultural attachment to a place to be perpetuated and shared - an important part of the sustainability of a Hawaiian ecosystem.



Much discussion within our communities and with DLNR has taken place over the past few years. Our people are convinced that this is an important step in the continuing effort to work with the state in sustaining our culture and our natural resources.

Thank you for the opportunity to give our testimony of support. We urge the DLNR – Division of Aquatics to approve the adoption of a New Chapter under the Hawai'i Administrative Rules relating to the establishment of the Ha'ena Community-Based Subsistence Fishing Area.

Respectfully yours,

Thomas Hashimoto, Po'o

Manokalanipo (Island of Kaua'i)

Aha Moku Advisory Committee

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**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
AHA MOKU ADVISORY COMMITTEE**

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October 24, 2014

**TESTIMONY IN SUPPORT OF AGENDA ITEM F-5**

Before the Board of Land and Natural Resources

**BLNR Agenda Item F-5**

**REQUEST FOR APPROVAL TO HOLD PUBLIC MEETINGS AND HEARINGS PURSUANT TO HRS CHAPTER 91, TO AMEND HAWAII ADMINISTRATIVE RULES (HAR) TITLE 13, CHAPTER 60.4, "WEST HAWAI'I REGIONAL FISHERY MANAGEMENT AREA, HAWAI'I" TO ESTABLISH THE KA'UPULEHU MARINE RESERVE TO ALLOW FOR THE RECOVERY OF NEARSHORE FISHERY STOCKS.**

Aloha Chair Aila and members of the Board of Land and Natural Resources,

On behalf of the Aha Moku Advisory Committee, Aha Kiolo Piilani Kaawaloa, Moku O Keawe (Island of Hawaii), and the Ahupua'a of Ka'upulehu located within the Kona Moku we offer testimony in support of the request for approval to hold public meetings and hearings to amend existing administrative rules under the West Hawaii Regional Fishery Management Area, Hawai'i, with limited exceptions.

Located within the West Hawaii Regional Fishery Management Area (WHRFMA), the Ka'upulehu Ahupua'a has long been known to Kama'aina and local communities to be a pristine area rich in marine natural resources and steeped in Native Hawaiian cultural practices and history. The lawai'a (fishermen) of Ka'upulehu and the surrounding ahupua'a depended upon the fishery there to feed their families and 'ohana. They were careful in the sustainability of the different types of marine stock that were plentiful in different seasons. The fishery was sustained as well as the other types of near shore marine life such as opihi, kupe'e, okole, pupu and the limu pahe'e as well as various limu species which were plentiful during certain seasons along the pali areas where the waves impact.

Two of the most favorite Hawaiian fish species known to frequent Ka'upulehu are the hilu and the hou. Known to be a sweet fish, these species were a favorite of the local kama'aina.

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Unfortunately, in recent times and as progress moves forward, Ka'upulehu became more accessible to people not from the area with no idea to the cultural protocols of these areas and its resources. "He ali'i ka aina he kauwa ke kanaka" is an 'ōlelo no'eau that translates as "the land is a chief, man is its servant" ('Olelo No'eau 531, Mary Kawena Pukui). Land has no need for man, but man needs the land and works it for a livelihood. This is very profound because here we are – generations later still trying to repair the damages we kanaka make. The difference is in the way we need to make these repairs that will also include the teaching, understanding, perpetuation and involvement of the next generation.

Misuse of the ocean caused a great depletion of its resources. And, aside from the loss of subsistence, the impact to the Native Hawaiian of Ka'upulehu is deeply felt. It must be said that of equal importance is the preservation of the generational Native Hawaiian families who hold the knowledge of how to maintain that place. One such family is the Keakealani 'Ohana whose patriarch, Uncle Lopaka Keakealani was the last Native Hawaiian born in Kahuwai, Ka'upulehu. His daughter Leina'ala Keakealani Lightner and her 'ohana, among other families with similar generational knowledge, continue to perpetuate those traditions today.

The Department of Land and Natural Resources and its divisions are aware of this dilemma and wish to assist in the restoration of the marine resources that are critical to the sustainability and natural balance of this part of the ecosystem.

The Aha Moku is aware that should the Ka'upulehu Reserve be solidified, there is a possibility of negative impacts to neighboring moku and ahupua'a causing much discussion as to protocols for these aina. These concerns are very important and need to be addressed so the impact on these communities does not lead to the depletion of their resources.

The Aha Moku System works with ahupua'a and moku districts to address resource issues within all districts. It is because of our actions, we need to restore the balance within all ahupua'a, that we support public hearings and meetings for all to share ike, mana'o and solutions.

Thank you for the opportunity to render our testimony and recommendation on this issue. Per the request of Moku O Keawe, the Kona Moku and the Ka'upulehu Ahupua'a, we urge the BLNR to approve the request for public hearings regarding a Marine Reserve for a limited time in Ka'upulehu which will restore the marine resources to the previously known sustainable level within that ecosystem and to assist Ka'upulehu and other communities facing the same plight. Perhaps Ka'upulehu can model the similar concepts and mana'o of other communities that have been successful in the road to restoring their resources such as Moloka'i, Kaua'i and others.

Respectfully yours,

Leimana DaMate, Executive Director

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# AMAC PARTICIPATION WITH DLNR – 2014

<b>Island</b>	<b>DLNR Divisions Contacted/Assisted</b>
<b>Hawaii</b>	
Puna Hurricane assistance	Hawaii Moku
Naalehu Wastewater Disposal System	Land
Miloli'i Ahupua'a Organization	DOCARE
Miloli'i Community Based Marine Management	DAR, DOCARE
Keauhou Bay – Marine Resources	DOBOR, DAR
Kailua-Kona – illegal dumping of pool water into ocean	DOBOR, DAR
Kohala Public Access	Pending
Kawaihae Illegal Mooring of Boats – Honokoa point	DOBOR, DOCARE
Kawaihae Ala Loa (King's Trail System)	DOFAW
<b>Maui</b>	
Stream Diversion, Hanehoe Stream, Hamakualoa Moku	CWRM
Amended Admin Rules, "Island Based Fisheries Rules" Hana Moku	DAR
Watershed and Forestry Program, Kahikinui Moku	DOFAW
Hokule'a visit to Makena and Kahoolawe, Honuaula Moku	Moku O Kanaloa
Stream Diversion, Honokohau Ahupua'a, Kaanapali Moku	CWRM
DLNR Acquisition of Lipoa Point, Kaanapali Moku	DLNR
Wailuku-Kahului Wastewater Facility, Wailuku Moku	OCCL
<b>Molokai</b>	
East Molokai Watershed, Mana'e Ahupua'a, Kona Moku	DOFAW
Lobster Issue, Mo'omomi Ahupua'a, Ko'olau Moku	DAR
Kalaupapa Memorial Park, Kalaupapa Ahupua'a, Ko'olau Moku	State Parks
<b>Lana'i</b>	
Manele Desalination System	Pending
Pulama Lana'i partnering with DLNR and Aha Moku	Legislature, SR75
Maunalei Taro Restoration	Pending
<b>Kahoolawe</b>	
I Ola Kanaloa, Kahoolawe Planning	KIRC
<b>O'ahu</b>	
He'eia Pond, Ko'olaupoko Moku	DAR
Restoration of Lo'i, Iole Ka'a Ili, Ko'olaupoko Moku	Land
Ala Wai Canal Project, Manoa Ahupua'a, Kona Moku	Pending
Kalakaua Project, Waikiki Ahupua'a, Kona Moku	Pending
Ho'opili Project, Zone Change, Kapolei, Kaleloa Moku	Pending
HECO Kahe-Halawa Power Line Project, Waimalu Ahupua'a, Ewa Moku	Pending
Pacific Legacy Kako'o, Rail Project, Ewa Moku	Pending
Kalaeloa Heritage Park, build kahili for Iolani Palace, Ewa Moku	Pending

<b>Kauai</b>	
Ha'ena Community-Based Subsistence Fishing, Halele'a Moku	DAR
Identification of stream practices – Hule'ia Stream, Pu'ali Stream, Koenaawanui Stream, and Ha'upu Stream	CWRM
Wainiha River issues, Wainiha Ahupua'a, Halele'a Moku	CWRM
Hanapepe River Diversion, Hanapepe Ahupua'a, Kona Moku	CWRM
<b>Niihau</b>	
Address issue of subsistence fishing boundary around Niihau	DLNR
Lehua Island rat eradication project	DOFAW-INV.SPECIES

CWRM – Commission on Water Resource Management

DAR – Division of Aquatic Resources

DOBOR – Division of Boating and Ocean Recreation

DOCARE – Division of Conservation and Resources Enforcement

DOFAW - Division of Forestry and Wildlife

KIRC - Kahoolawe Island Reserve Commission

Land – Land Division

OCCL – Office of Conservation and Coastal Lands

State Parks – Division of State Parks

**2015 Aha Moku Advisory Committee**

**Legislative Report**

**Hawaiian Translation**

Department of Land and Natural Resources  
‘Aha Moku Advisory Committee  
Report to the 2014 Legislature

He palapala ‘aelike kēia no ka māhele 171-4.5 o ka Hawai‘i Revised Statutes (HRS), no ke au o Ianuali 2014 a i ka lā 30 o Kēkēmapa, 2014.

**KA HO‘OLAUNA**

Na ka Department of Land and Natural Resources (DLNR), ke ke‘ena o ka Chairman’s Office, kēia “‘Aha Moku Advisory Committee” wahi a Act 288 Session Laws of Hawai‘i 2012. He kānāwai maoli nō ua hui a‘oa‘o ‘o ka ‘Aha Moku, a koikoi ‘ia lākou e palapala hō‘ike i ka ‘Aha Kolokolo a me ke Po‘o o ka Board of Land and Natural Resources (BLNR) e like me nā mana‘o i ho‘olale ‘ia e ka hui a‘oa‘o ‘o ka ‘Aha Moku, a me kā lākou hana i hana ‘ia e ka DLNR.

Ua pūlima ‘ia ka Senate Bill 3053, House Draft 2 (pili i ka po‘e ‘ōiwi kanaka Hawai‘i) i kānāwai Act 288 i ka lā 9 o Iuali, 2012. I mea kēia kānāwai e ho‘okahua i ke kuleana o ka ‘Aha Moku System a me ka hui a‘oa‘o ‘o ka ‘Aha Moku Advisory Committee (AMAC) i loko o ke kuleana o ka DLNR, i hoa a‘oa‘o i ke Po‘o o ka BLNR. Ma lalo o kēia kānāwai hiki i ka AMAC ke a‘oa‘o ma nā kumuhana pili i ka mālama ‘āina ‘ana ma lalo o ka ‘Aha Moku System. ‘O ka ‘Aha Moku System ke ‘ano o ka mālama ‘āina e like me ka lōina kahiko- nānā ‘ia nā palena ‘āina e like me ke ‘ano o ka ‘āina a me nā kumu waiwai o kēlā me kēia wahi, pēlā pū me ka no‘ono‘o e ola pono ai nā kumu waiwai a me ka po‘e o ia ‘āina.

Wahi a Section 171-4.5, HRS, koikoi ‘ia ka AMAC e palapala hō‘ike i kēlā me kēia makahiki i ka ‘Aha ‘Ōlelo Kau Kānāwai a me ke Po‘o o ka BLNR. Eia nā mea e hō‘ike ‘ia:

- I. Ke kumu a me ke makia o ka ‘Aha Moku Advisory Committee (AMAC)
- II. Ko lākou mau pahu hopu, kumuhana nui, a me ka wā e ho‘okō ai i ia mau pahu hopu
- III. Nā mana‘o ho‘olale i ka BLNR

**I. Ka makia o ka ‘Aha Moku Advisory Committee (AMAC)**

‘O ke kumu o ka AMAC ‘o ia ka ho‘olaukahi ‘ana a me ka ho‘okumu ‘ana i ka ‘ike Hawai‘i a me nā lōina Hawai‘i i mea e mālama a ho‘oulu a kia‘i i nā kumu waiwai no nā haunauna e hiki mai ana; a me ka hana ‘oi loa e hiki ai ke mālama i nā kumu waiwai e like me ka hana o ka po‘e o nei ‘āina ma loko ho‘i o nā palena ‘āina ‘o ka moku a me ke ahupua‘a.

**II. Nā Pahu Hopu**

A: Ka ho‘ohana ‘ana i nā lōina o ka ‘ōiwi a me ka po‘e o ka ‘āina ‘ē i mea e mālama ai i kēlā me kēia moku

Pahu hopu a me ka Papa Manawa i mahu‘i ‘ia:

**Pahu hopu A:** E ‘āwili pū i ka ‘ike kūpuna o ko Hawai‘i a me ko ka ‘āina ‘ē no ka mālama ‘ana i kēlā a me kēia moku.

A.1. E hō'ola hou i nā loina ma o ka ho'olaha 'ana aku i ka hana o ka po'e o kēlā me kēia ahupua'a i mea e maka'ala ai ka po'e a pau i nā hana kūmau o nā kumu waiwai. (ke hana 'ia nei)

A.2. E ho'okumu a ho'onohonoho i mau 'Aha Ahupua'a (ke hana 'ia nei)

A.3. E 'imi mau i ke kālā pekelala a me nā waihona kūwaho (ke hana 'ia nei)

**Pahu hopu B:** E ho'oku'ikahi i nā moku a puni ka pae 'āina o Hawai'i ma o ka ho'okumu 'ana i mau "standards" (ke hana 'ia nei)

B.1. E ho'oku'ikahi i nā moku a puni ke aupuni 'o Hawai'i ma o ka hō'ike 'ana i nā ana kūlike i mea e hō'ike ai i ka hana pū a me ka hana like o nā mea e hana 'ia nei.

**Pahu hopu C:** Ka ho'opai 'ana i a me ka ho'omaopopo 'ana i ka hana o nā loea o ka po'e 'ōiwi o Hawai'i e pili ana i ka mālama 'āina a me ka mālama kumu waiwai

C.1. E ho'olaha i nā lanakila o ka AMAC a me ka hana pū 'ana me nā 'oihana o ka lehulehu- ka ho'okumu 'ana i mau 'oihana a i 'ole ke kōkua 'ana i nā 'oihana e hana nei

C.2. E hana pū me nā agena a me nā hui 'ē a'e i hoihoi i ka mālama pono 'ana i ke 'ano o nohona, mai uka a i kai (ke hana 'ia nei)

**Pahu hopu D:** Ka mālama 'ana i nā kumu waiwai, mai uka a i kai, no nā kau a kau

D.1. E ho'oku'ikahi i ke 'ano o ka hō'ike mana'o 'ana (ke hana 'ia nei)

D.2. E kāko'o i ka hai 'ana i nā limahana, e like me ka mea e pono ai, i mea e kāko'o ai i ka ho'oholo 'ana i nā papahana ma ke ke'ena

D.3. E ho'oikaika i ka pilina ma waena o ka AMAC a me DLNR no ke ka'ana aku, ka'ana mai 'ana ma waena o nā loea mālama 'āina (ua ho'okumu 'ia, ke hana 'ia nei)

**Pahu hopu E:** E lawe i ka ho'ona'auao i nā kaiāulu, e a'o i ka loina mālama 'āina a me nā mea maika'i o ka AMAC

E.1. E ho'ona'auao i nā hanauna e hiki mai ana, nā kaiāulu, nā hui kaiāulu, e pili ana i ka AMAC (ke hana 'ia nei)

E.2. E hana pū me nā hui ho'ona'auao i ma'a a kama'āina lākou i ke 'ano o ka mālama 'āina e like me ka hana o ka po'e kama'āina o kēlā me kēia ahupua'a (ke hana 'ia nei)

E.3. E ho'omaka i ka hana pū me nā kula ma o ka haku ha'awina 'ana e pili ana i ka loina mālama 'āina o ka po'e kama'āina o kēlā me kēia ahupua'a- a e hō'ike pū i ke 'ano o ko ka DLNR ho'omāhele 'āina (ke hana 'ia nei)

E.4. E ho'omōhala i mau alahele 'enehana e like me ke pa'i wikiō a me ke pa'i palapala e ho'olaha ana i ka hana a nā loea mālama 'āina e noho ana ma ka AMAC (ke hana 'ia nei)

**Pahu hopu F:** Ka ho'opai 'ana i ka ho'opalekana 'ana a me ka mālama 'ana i nā kumu waiwai o ke aupuni 'o Hawai'i



F.1. E ho'ohana i nā 'ano 'enehana like 'ole e like me ka manakuhi i mea e ho'ona'auao ai i ka 'Aha 'Ōlelo Kau Kānāwai, a me nā hui o ke kaiāulu, a me ka po'e hoihoi e pili ana i ka AMAC (ke hana 'ia nei)

F.2. E hō'ano hou i nā paena punaewehe i hiki ke nānā 'ia e ka lehulehu (ke hana 'ia nei)

F.3. E ho'opai a e ho'oikaika i ka ho'ona'auao 'ia ana o ke kaiāulu e pili ana i ka mālama 'āina ma o nā lōina kahiko o kēlā me kēia mokupuni, e like me ka hana o ka po'e kama'āina nona ia 'āina

F.4. E ho'olālā i ka hana e pono ai i mea e ulu ai ka hoi i loko o ka lehulehu e pili ana i nā lōina kahiko o ka mālama 'āina a e ho'omohala i ka pilina ma waena o ka DLNR, a me ke anaina, a me ke Aupuni o Hawai'i

F.5. E ho'okumu i mau pilina me nā hui kaiāulu a me nā hui mālama 'āina o ke aupuni holo'oko'a o 'Amelika Hui Pū 'Ia i hiki ke laulima pū ka hana a me nā kumu waiwai a me ka ho'ona'auao 'ana i ka lehulehu

F.6. E noke mau i ka ho'omohala 'ana i ka paipai 'ana i ka lehulehu e pili ana i ka ko'iko'i o ka mālama 'ana i nā kumu waiwai o Hawai'i a me ka ho'opalekana 'ana i nā mea a pau. E hana pū me ka DLNR ma kēia hana (ke hana 'ia nei)

F.7. E ho'omohala i nā kumu waiwai kālā no ke kia'i pono 'ana i ka ho'olālā a me ka mālama 'ana i kēlā me kēia ahupua'a (ke hana 'ia nei)

#### **Pahu hopu G: E kukulu i kekahi hui kia'i ma luna o ka AMAC**

G.1. E ho'olālā pono i kekahi ka'ina hana no ka mālama 'āina ma ke kaiāulu mā o nā lōina kahiko Hawai'i i loko o nā hana kia'i o kēia wā (ua hana 'ia)

G.2. E haku i kekahi 'ano no ke ka'ana aku, ka'ana mai 'ana ma waena o ke kaiāulu a me ka hui kia'i ma luna o ka AMAC a me ka DLNR (ke hana 'ia nei)

G.3. E ho'onohonoho i mau 'aha li'ili'i no nā moku a me nā ahupua'a i loa'a kekahi 'ano waihona 'ike o ka mālama 'āina e like me ka hana o kēlā me kēia hanauna o ka 'āina

G.4. E ho'olālā 'ia ka waihona kālā no ka wā o 'ekolu makahiki a me 'elima makahiki e hō'ike ana i nā mea e pono ai ka AMAC ma kēlā me kēia mokupuni i hiki ke ho'okō 'ia e ke Aupuni

G.5. E mālama 'ia kekahi 'Aha Pūwale o ke Aupuni i kēlā me kēia makahiki no ka lehulehu ('a'ole i hana 'ia ma muli o ka nele i ke kālā 'ole)

#### **III. Nā Mana'o i hāpai 'ia no ka ho'oikaika 'ana i ka BLNR (Board of Land and Natural Resources)**

E like me ke kauoha i loko o Act 288, koikoi 'ia ka AMAC e hō'ike i ko lākou mau mana'o no ka ho'ikaika 'ana i ka BLNR. E hō'ike 'ia ka hana a ka BLNR ma o kēlā makahiki i hala aku nei, 2014-2015 ma loko o kēia hō'ike palapala i ho'ouna 'ia i ka 'Aha 'Ōlelo Kau Kānāwai.

Ua hō'ike 'ia nā mana'o hopohopo pili i ka mālama 'āina o kēlā me kēia ahupua'a a me moku i ka AMAC. Ma hope aku, ua hō'ike 'ia kēia mau mana'o i ka DLNR a ua ho'oponopono 'ia ma waena o ka DLNR a me nā kaiāulu. 'Oiai ua ho'oponopono 'ia, 'a'ole i hō'ike 'ia kēia mau mea i ka BLNR. A i kēia manawa, mau nō kekahi mau mea e ho'oponopono 'ia nei. Ua pāku'i 'ia kēia mau mea i kēia palapala hō'ike.

Eia ma lalo nei kekahi mau mea i hā'awi 'ia i ka BLNR e ka AMAC. Ua pāku'i 'ia nā hō'ike 'ōlelo i ka AMAC ma lalo o Appendix A.

Ho'ouana 'ia ke noi i ka BLNR e Trilogy Corporation no ka Ho'olō'ihī 'ana i ka Wā Ho'olimalima, Awa Kū Moku ma Manele, Lāna'i, Helu Tax Map Key : (2) 4-9-017-006-0002

Ka ho'oholo 'ana o ka BLNR: Ua 'āpono 'ia ma ka mana'o lōkahi.

Nā mana'o kākō'o o ka AMAC: E 'āpono ka BLNR i kēia noi 'oiai kākō'o ka po'e mālama 'āina o Lāna'i i kēia noi Trilogy. 'O ke kumu no ka ho'opane'e 'ana i ka lā palena pau ke kūkulu 'ana i kekahi hale hālāwai a me hale no nā hana kai. 'A'ole e ho'opilikia 'ia ana kekahi mea, ma uka a i kai, ma kahi o ke kūkulu 'ana.

Ho'ouana 'ia ke noi i ka BLNR e ke Kulanui o Hawai'i ma Mānoa: 'Aelike i ka Ho'olimalima hou 'ana ma lalo o ka Palapala Ho'olimalima Helu S-4191 i ke Kulanui o Hawai'i, Mea Ho'olimalima, i ka TMT International Observatory LLC, Mea Ho'olimalima Hou, Ka'ohe, Hāmākua, Mokupuni 'o Hawai'i, Helu Tax Map Key: 3rd/4-4-15:09 por.

Ka ho'oholo 'ana o ka BLNR: Ua ho'opane'e 'ia kēia noi i ka lā 17 o Iune, 2014 i hiki ke pane ke Kulanui o Hawai'i i nā nīnau i hāpai 'ia e ke kaiāulu ma nā hō'ike 'ōlelo o ka lehulehu ma ka hālāwai o ka Land Board.

Nā mana'o kū'ē o ka AMAC- E kakali ka BLNR a ho'olaha 'ia ka ho'oholo hope e pili iā CDUP HA-3568 ma ka Appeal Process ma ka Hawai'i State Intermediate Court of Appeals a me ka Hawai'i State Supreme Court; a i ka manawa e pau ai kūkā kama'i'ilio 'ana e pili ana iā Section 106 e ka po'e 'ōiwi Hawai'i e pili ana i ka papahana TMT e like me ke kāmāwai pekelala ma lalo o ka National Historic Preservation Act; a pau ka nānā 'ana i nā mana'o a pau i hāpai 'ia ma Nowemapa 2013.

Ho'ouana 'ia ke noi i ka BLNR no ka 'Aelike Ho'ōki, Grove Farm Fish & Poi, LLC, Lessee, Palapala Ho'olimalima, Helu 5654, ma ke kapakai 'Ewa, 'Ewa, O'ahu, TMK: (1) 9-1-005:000 ma kai.

Ka ho'oholo 'ana o ka BLNR: Ua 'āpono 'ia ma ka mana'o lōkahi e like me kona hā'awi 'ia 'ana. Ua nui ke kama'i'ilio 'ana e pili ana i kēia kumuhana a ua 'āpono 'ia ma muli o ka puka lanakila o ka papahana hou i ho'oulu maika'i i ke ko'a hou ma luna o nā papa kimeki a ua lilo nō i wahi e noho maika'i ai ka i'a a me ke ko'a. No kēia papahana ho'okahi wale nō ka ho'oholo 'ana, aia nō i ka lanakila a me ka lanakila 'ole o kēlā me kēia papahana.

Nā mana'o kū'ē o ka AMAC- He ho'olimalima kēia ma lalo o Grove Farm Fish & Poi (GFFP) no ko lākou mau pahu hānai i'a ma waho o ke kapakai o 'Ewa, O'ahu. I ka makahiki 2010, ua panakalupa maila 'o GFFP a pau loa kā lākou mau waiwai. Ma hope o ke uku 'ana i ka 'ai'ē, 'a'ole i hiki iā lākou ke ho'ohemo i nā ana kaumaha he 'ehā e noho ana ma lalo loa o ka moana. Ua kū'ē ka AMAC ma muli o ia mea, ka waiho wale 'ia 'ana o nā pono hana o kekahi hui i ka pau 'ana o ka hana. He mea weliweli nō ia.

Ho'ouana 'ia i ka BLNR to Grant a Term, Non-exclusive Easement to Lana'i Resorts, LLC dba Pulama Lana'i for Tide Pool Stairs Encroachment Purposes, Pulawai, āana'i, Seaward of Tax Map Key: (2) 4-9-017:002

Ka ho'oholo 'ana o ka BLNR: Ua 'āpono 'ia e like me kona hā'awi 'ia 'ana mai.

Nā mana'o kākō'o o ka AMAC: Kapa 'ia kēia wahi o ke alapi'i 'o Tide Pool, 'o "Keiki Pond", aia ma nā pali hikina o Hulopo'e a ua ho'ohana 'ia e ka po'e o Lana'i mai ka makahiki 1951 mai. I kēia mau lā, ua hele ā palekana 'ole kēia alapi'i. Ua kūkulu 'ia ka "Pipi Chute" i ka makahiki 1919-1920 a ma laila i ho'ouka 'ia ai nā pipi, nā lako hana, a me nā 'ōhua ma luna o nā mokuahi e holo ana i waena o nā mokupuni. He wahi kokoke nō kēia i Keiki Pond a aia nā mea 'elua

i kahi like. No ka po'e kama'aina he 'ano kia ho'omana'o kēia o ka wā i hala, a hiki ke hō'ea ma laila ma o ka iho 'ana i ke alapi'i 'o Tide Pool. Kāko'o ka AMAC iā Pūlama Lana'i i ko lākou hana e ho'oponopono a pa'a ke alapi'i 'o Tide Pool, a kāko'o pū nō ho'i 'ia ka BLNR no ko lākou 'ae 'ana e ho'oponopono 'ia ke alapi'i.

Submitted Request that the Conservation District Use Application (CDUA) ST-3703 for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands be granted

Ka ho'oholo 'ana o ka BLNR: Ua 'āpono 'ia ma ka mana'o lōkahi e like me kona hā'awi 'ia 'ana mai.

Nā mana'o kāko'o o ka AMAC- 'o Ho'ala Loko I'a ka inoa o kēia papahana a puni ke Aupuni 'o Hawai'i (Statewide Programmatic General Permit). Ke 'āpono 'ia, e hiki ana ke loa'a ka palapala 'ae i ka po'e kama'aina mālama 'aina, kumu, a pēlā aku ma o ke noi ho'okahi a me ka palapala 'ae ho'okahi. E hiki ana i ka po'e 'ōiwi Hawai'i ke a'o e pili ana i ka 'ike mai nā hanauna o mua mai no kēlā me kēia moku a me ahupua'a, a me ka 'ike no ka mālama loko i'a. Ma o kēia palapala 'ae, e ka'analike 'ia ana, e ho'omau 'ia ana, a e a'o 'ia ana nā lōina kahiko o ka Hawai'i pili i ka mālama loko i'a i pono ke ola o kai a me uka.

Nā paku'ina:

Nā mea i hā'awi 'ia e ka AMAC i ka BLNR

Ka papa helu o nā kumuhana e kūkā ai nā kaiāulu a me ke ke'ena o ka DLNR

*(The Aha Moku Advisory Committee is deeply grateful to Alicia Perez for providing the Hawaiian translations to the 2015 Aha Moku Advisory Committee Legislative Report. Alicia serves as an educational assistant for the Kawaihuelani Center for Hawaiian Language at the University of Hawai'i, Manoa)*

# **Act 288**

(Hawaii State Legislature – 2012)

## **Relating to Native Hawaiians**

More Commonly Known as the

## **AHA MOKU ACT**



GOV. MSG. NO. 1405

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 09, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 09, 2012, the following bill was signed into law:

HB2806 HD2 SD2 CD1

RELATING TO NATIVE HAWAIIANS.  
Act 288 (12)

A handwritten signature in black ink, appearing to read "Neil Abercrombie". Above the signature, the word "Sincerely," is written in a smaller, less legible script.

NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor

ORIGINAL

on JUL 9 2012

HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

ACT 288  
H.B. NO. 2806  
H.D. 2  
S.D. 2  
C.D. 1

## A BILL FOR AN ACT

RELATING TO NATIVE HAWAIIANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that, over the past two  
2 hundred years, Hawaii has experienced extensive changes. These  
3 changes include the deterioration of the Hawaiian culture,  
4 language, values, and land tenure system, which have in part  
5 resulted in the over-development of the coastline, alteration of  
6 fresh water streams, destruction of life-giving watersheds,  
7 decimation of the coral reefs, and the decline of endemic marine  
8 and terrestrial species.

9 Native Hawaiian culture has knowledge that has been passed  
10 on for generations and is still practiced for the purpose of  
11 perpetuating traditional protocols, caring for and protecting  
12 the environment, and strengthening cultural and spiritual  
13 connections. It is through the aha moku councils that native  
14 Hawaiians protected their environment and sustained the  
15 abundance of resources that they depended upon for thousands of  
16 years.

17 Currently, many Hawaiian communities are becoming  
18 revitalized by using the knowledge of cultural practitioners

HB2806 CD1 HMS 2012-3661-2



1 that was passed down through kupuna, experienced farmers, and  
2 fishers to engage and enhance sustainability, subsistence, and  
3 self-sufficiency. Furthermore, many native Hawaiian communities  
4 are interested, concerned, involved, willing, and able to advise  
5 government agencies, organizations, and other interested groups  
6 in integrating traditional knowledge and ahupuaa management  
7 practices.

8 The legislature further finds that on August 15 through 17,  
9 2006, the Hooahano I Na Kupuna Puwalu series began and native  
10 Hawaiian cultural and traditional practitioners who are versed  
11 in farming and fishing, ocean, and land ahupuaa methods gathered  
12 to discuss and bring forth the wisdom of the kupuna and  
13 ancestors. It was a gathering of empirical knowledge handed  
14 down from generation to generation on traditional fishing,  
15 agriculture, streams, fishponds, and land use methodology based  
16 on the ahupuaa system.

17 Representatives from forty-three regions (moku) in the  
18 State and over one hundred ahupuaa Hawaiian cultural  
19 practitioners, including kupuna and the acknowledged traditional  
20 experts, joined together to come forth with their manao and  
21 concerns.



1       The purpose of this Act is to formally recognize the aha  
2 moku system and to establish the aha moku advisory committee  
3 within the department of land and natural resources, which may  
4 serve in an advisory capacity to the chairperson of the board of  
5 land and natural resources. The aha moku advisory committee may  
6 advise on issues related to land and natural resources  
7 management through the aha moku system, a system of best  
8 practices that is based upon the indigenous resource management  
9 practices of moku (regional) boundaries, which acknowledges the  
10 natural contours of land, the specific resources located within  
11 those areas, and the methodology necessary to sustain resources  
12 and the community. The aha moku system will foster  
13 understanding and practical use of knowledge, including native  
14 Hawaiian methodology and expertise, to assure responsible  
15 stewardship and awareness of the interconnections of the clouds,  
16 forests, valleys, land, streams, fishponds, and sea. The moku  
17 system will include the use of community expertise and establish  
18 programs and projects to improve communication, provide training  
19 on stewardship issues throughout the region (moku), and increase  
20 education. The establishment of this committee does not  
21 preclude any person's or organization's right to provide advice  
22 to the department of land and natural resources.





1 SECTION 2. Chapter 171, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§171- Aha moku advisory committee; established. (a)

5 There is established the aha moku advisory committee to be  
6 placed within the department of land and natural resources for  
7 administrative purposes. The committee may advise the  
8 chairperson of the board of land and natural resources in  
9 carrying out the purposes of this section.

10 (b) The committee shall consist of eight members appointed  
11 by the governor and confirmed by the senate from a list of  
12 nominations submitted by the aha moku councils of each island.  
13 Oversight of the aha moku advisory committee shall be by the  
14 chairperson of the board of land and natural resources. The  
15 committee members shall select the committee chairperson from  
16 among the members.

17 (c) The members shall not receive compensation for their  
18 service, but shall be reimbursed for necessary expenses,  
19 including travel expenses, incurred while participating in  
20 meetings and events approved in advance by the chairperson of  
21 the board of land and natural resources.



1       The aha moku advisory committee may hire an executive  
2       director who shall be exempt from chapter 76. The executive  
3       director may hire an administrative or executive assistant to  
4       assist the executive director in accomplishing the purposes of  
5       the aha moku advisory committee.

6       (d) The aha moku advisory committee may provide advice on  
7       the following:

- 8       (1) Integrating indigenous resource management practices  
9       with western management practices in each moku;  
10      (2) Identifying a comprehensive set of indigenous  
11      practices for natural resource management;  
12      (3) Fostering the understanding and practical use of  
13      native Hawaiian resource knowledge, methodology, and  
14      expertise;  
15      (4) Sustaining the State's marine, land, cultural,  
16      agricultural, and natural resources;  
17      (5) Providing community education and fostering cultural  
18      awareness on the benefits of the aha moku system;  
19      (6) Fostering protection and conservation of the State's  
20      natural resources; and  
21      (7) Developing an administrative structure that oversees  
22      the aha moku system.



1       (e) The committee shall submit an annual report in English  
2       and Hawaiian to the legislature and the chairperson of the board  
3       of land and natural resources no later than twenty days prior to  
4       the convening of each regular legislative session. The annual  
5       report shall include a list of all recommendations made by the  
6       committee and the resulting action taken by the department over  
7       the course of the prior year."

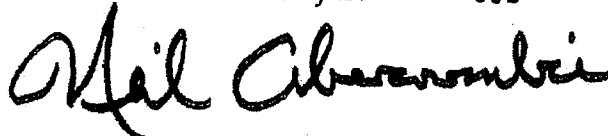
8       SECTION 3. There is appropriated out the general revenues  
9       of the State of Hawaii the sum of \$76,500 or so much thereof as  
10      may be necessary for fiscal year 2012-2013 for the  
11      administrative costs related to carrying out the duties of the  
12      aha moku advisory committee.

13      The sum appropriated shall be expended by the department of  
14      land and natural resources for the purposes of this Act.

15      SECTION 4. New statutory material is underscored.

16      SECTION 5. This Act shall take effect on July 1, 2012.

APPROVED this 9 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII

